

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

X

**Emigrant Mortgage Company, Inc., and
Retained Realty, Inc.,
Plaintiffs,**

v.

CIVIL ACTION NO. 21-CV-11133-JCB

**Doneyn Bourke; William Hayward, Sr.; and
Any and All Occupants,
Defendants.**

X

[PROPOSED] JUDGMENT

Boal, U.S.M.J.

In accordance with the Court’s Order on Cross-Motions for Summary Judgment entered on January 18, 2024, ECF Dkt. No. 74, GRANTING Plaintiffs’ Motion for Summary Judgment and DENYING the Defendants’ Cross-Motion for Summary Judgment;

It is hereby ORDERED, ADJUDGED AND DECREED THAT

1. Judgment shall enter this day in favor of the Plaintiffs on Count I of the Complaint for a Declaratory Judgment determining that Retained Realty, Inc. (“RRI”) is the true and lawful owner of the property located at 6 Arkansas Avenue, Nantucket, MA (the “Property”) by virtue of Emigrant Mortgage Company, Inc.’s (“Emigrant”) lawful foreclosure by entry and possession;
2. Emigrant had standing to foreclose and its foreclosure by entry and possession of the Property, as evidenced by a Certificate of Entry registered with the Nantucket County Registry District of the Land Court as Document Number 139302, sufficiently extinguished the Defendants’ equity of redemption as of December 14, 2015;
3. Judgment shall enter this day in favor of the Plaintiff, RRI, on Count II of the Complaint

for Possession of the Property;

4. Judgment shall enter this day in favor of the Plaintiff, RRI, on Count III of the Complaint for Use and Occupancy Payments;
5. The Fair Market Rental Value of the Property is \$6,500.00 per month;
6. The Plaintiff, RRI, shall recover from the Defendants the principal amount of \$1,003,564.40, with interest as provided by law, for their continued use and occupancy of the Property from March 21, 2011, through February 1, 2024, plus any additional monthly use and occupancy payments that may come due until such a time that the Defendants vacate the Property;
7. Judgment shall enter this day in favor of the Plaintiffs on Count I of the Defendants' counterclaims under M.G.L. c. 93A;
8. Judgment shall enter this day in favor of the Plaintiffs on Count II of the Defendants' counterclaims for Abuse of Process;
9. Judgment shall enter this day in favor of the Plaintiffs on Count III of the Defendants' counterclaims for Intentional Infliction of Emotional Distress.

By the Court,

Dated: _____

Deputy Clerk